

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN HARDWICK,

Plaintiff,

v.

**Civil Action 2:18-cv-01185
Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers**

3M COMPANY, *et al.*,

Defendants.

ORDER

On August 10, 2021, Attorney Matthew S. Brown filed a Notice of Substitution of Counsel (ECF No. 219) purporting to give notice that he was substituted in as counsel for Defendant AGC Chemicals Americas, Inc., replacing current trial attorney of record, Carl A. Aveni, II. The substitution of counsel is governed by Southern District of Ohio Local Civil Rule 83.4(c)(3). That Rule provides, in relevant part:

The current trial attorney may withdraw either from the case or from the designation as trial attorney by filing a notice that is signed by (1) the current, withdrawing trial attorney; (2) the client; and (3) a new, substituting trial attorney. If the substituting trial attorney is a member of the same partnership, legal professional association, or governmental attorney group as the trial attorney to be substituted for and the notice affirmatively states that the substitution is made with the client's knowledge and consent, the client's signature is not required.

S.D. Ohio Civ. R. 83.4(c)(3). Here, the Notice was not signed by the withdrawing trial attorney. Further, it was neither signed by the client nor does it affirmatively state that the substitution is made with the client's knowledge. Accordingly, it is not effective, and Carl A. Aveni, II remains as Trial Attorney of record.

Counsel is **DIRECTED** to file a notice that complies with Local Rule 83.4 within seven (7) days if he still wishes to substitute for Mr. Aveni.

IT IS SO ORDERED.

Date: August 12, 2021

/s/ *Elizabeth A. Preston Deavers*
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE